



SAC 09/912270

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Joseph H. Hotchkiss et al.  
Serial No.: 09/912270  
Filed: July 24, 2001  
Title: CARBON DIOXIDE AS AN AID IN PASTEURIZATION

Examiner: Unknown  
Group Art Unit: 1744  
Docket: 1153.011US1

**INFORMATION DISCLOSURE STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

REC'D  
FEB 12 2003  
T C 1700

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. § 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Account No. 19-0743 in order to have this Information Disclosure Statement considered.

The Examiner is requested to note that reference Marshall, Robert, Standard Methods For the Examination of Dairy Products, 16<sup>th</sup> Edition, 1992 is a standard textbook in this art. Therefore, Applicants are providing a copy of the table of contents from this reference for the Examiner's review. If the Examiner does not otherwise have access to this reference, the Examiner is respectfully requested to notify Applicants' attorneys and indicate which chapters the Examiner would like access to, and Applicants' attorneys will promptly provide them for the Examiner.

The Examiner is also respectfully requested to note that Applicants are submitting herewith a copy of an article by Rupert Binning (Flüssiges Obst., pp. 134-139 (1980)). The Binning article is in German, and Applicants are submitting that, as required under 37 C.F.R. §1.98(a)(3), the English-language abstract attached to the front of the Binning article is a concise explanation of the relevance of this article as it is presently understood. Accordingly, the Examiner is respectfully requested to acknowledge consideration of the Binning article. For the Examiner's convenience, the Binning article is listed on the enclosed Form 1449, and copies of the Binning article and the English-language abstract are enclosed herewith.

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The Examiner is further respectfully requested to note that Applicants are submitting herewith a copy of JP-2001259002, which is in Japanese. Applicants are submitting that, as required under 37 C.F.R. §1.98(a)(3), the English-language abstract attached to the front of JP-2001259002 is a concise explanation of the relevance of JP-2001259002 as it is presently understood. Accordingly, the Examiner is respectfully requested to acknowledge consideration of JP-2001259002. For the Examiner's convenience, JP-2001259002 is listed on the enclosed Form 1449, and copies of JP-2001259002 and the English-language abstract are enclosed herewith.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JOSEPH H. HOTCHKISS ET AL.

By their Representatives,

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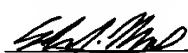
Date Feb. 7, 2003

By Patti J. Jurkovich  
Patti J. Jurkovich  
Reg. No. 44,813

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 7<sup>th</sup> day of February, 2003

Andrew J. Kau

Name



Signature

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

Complete if Known

<b>Application Number</b>	09/912270
<b>Filing Date</b>	July 24, 2001
<b>First Named Inventor</b>	Hotchkiss, Joseph
<b>Group Art Unit</b>	1744
<b>Examiner Name</b>	Unknown

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**US PATENT DOCUMENTS**

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-3,328,178	06/27/1967	Alderton, Gordon	99	215	01/27/1964
	US-3,454,406	07/08/1969	Alderton, Gordon	99	215	01/27/1964
	US-4,804,552	02/14/1989	Ahmed, S. H., et al	426	580	09/08/1987
	US-4,919,960	04/24/1990	Ahmed, S. H., et al	426	580	04/24/1990
	US-5,431,939	07/11/1995	Cox, J. P., et al	426	300	08/19/1991
	US-5,716,811	02/10/1998	Nauth, K. R., et al	435	71.2	11/02/1995

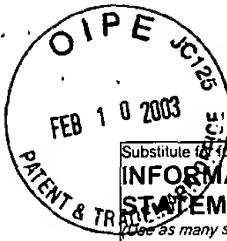
**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
	JP-2001259002 (w/ English Abstract)	09/25/2001				

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	✓	BINNIG, RUPERT., "Die Wirkung von CO <sub>2</sub> beim Pasteurisieren von Fruchtsäften", <u>Flüssiges Obst</u> , (1980), pp.134-139 (w/ English Abstract)	
	✓	DEVLIEGHERE, F., et al., "Concentration of Carbon Dioxide in the Water-Phase as a Parameter to Model the Effect of a Modified Atmosphere on Microorganisms", <u>International Journal of Food Microbiology</u> , 43, (1998), pp. 105-113	
	✓	DIXON, N.M., et al., "The Inhibition of CO <sub>2</sub> of the Growth and Metabolism of Microorganisms", <u>The Journal of Applied Bacteriology</u> , 67, (1989), pp. 109-136	
	✓	GRANT, I.R., et al., "Effect of High Temperature, Short-Time (HTST) Pasteurization on Milk Containing Low Numbers of Mycobacterium Paratuberculosis", <u>Letters in Applied Microbiology</u> , 26, (1998), pp. 166-170	
	✓	KING, J.S., et al., "Preservation of Raw Milk by the Addition of Carbon Dioxide", <u>The Journal of Dairy Research</u> , 49, (1982), pp. 439-447	
	✓	MARSHALL, ROBERT T., <u>Standard Methods for the Examination of Dairy Products</u> , 16th Edition, (1992), Table of Contents	
	✓	MENG, YIZHI., et al., "Manual for Manometric Method for the Analysis of CO <sub>2</sub> in Dairy Products", (1998), pp.1-8	
	✓	MICHALSKI, C.B., et al., "Use of Capillary Tubes and Plate Heat Exchanger to Validate U.S. Department of Agriculture Pasteurization Protocols for Elimination of <u>Salmonella Enteritidis</u> from Liquid Egg Products", <u>Journal of Food Protection</u> , 62:2, (1999), pp. 112-117	
	✓	NILSSON, L., et al., "Carbon Dioxide and Nisin Act Synergistically on <u>Listeria Monocytogenes</u> ", <u>Applied and Environmental Microbiology</u> , 66:2, (2000), pp. 769-774	

**EXAMINER****DATE CONSIDERED**



Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
*(Use as many sheets as necessary)*

PTO/SB/08A (10-01)  
Approved for use through 10/31/2002 GPO: 2001-033  
US Patent & Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Complete if Known

<b>Application Number</b>	09/912270
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<b>Examiner Name</b>	Unknown

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Attorney Docket No: 1153.011US1

**OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No '	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	1	RUAS-MADIEDO, P., et al., "Preservation of the Microbiological and Biochemical Quality of Raw Milk by Carbon Dioxide Addition: A Pilot-Scale Study", <u>Journal of Food Protection</u> , 59:5, (1996), pp. 502-508	

**EXAMINER**

**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. *1* Applicant's unique citation designation number (optional) *2* Applicant is to place a check mark here if English language Translation is attached